

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1444 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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KALUBHAI KARAMSHBHAI

Versus

CHAKRAVARTI SAHEB  
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Appearance:

MR PM RAVAL for Petitioners  
MRS SAROJ H RAICHURA for Respondent No. 1  
NOTICE SERVED for Respondent No. 2,11  
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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 04/04/2000

ORAL JUDGEMENT

None appear for the petitioners. I have heard  
learned AGP Ms. Gajjar on behalf of the State. Present  
petition is directed against the order passed by the

Sessions Judge, Amreli on 3-1-1990 in Criminal Revision Application No. 37 of 1989. It appears that the petitioners have constructed some cabins on public road by which different nuisances have been created by them. Learned Sub Divl. Magistrate, Amreli passed an order for removing the cabins from the public road. After taking evidence learned Magistrate passed the order. Against the order of Sub Divl. Magistrate, Amreli, revision application was filed by the petitioners which has been registered as Criminal Revision Application No. 37/ 89. Learned Sessions Judge, Amreli after hearing parties upheld the order passed by Sub Divl Magistrate, Amreli and dismissed the revision application filed by the petitioners. I have gone through the judgment & order passed by learned Sessions Judge, Amreli in revision application. It appears that learned Sessions Judge agreed with the findings of the learned Sub Divl. Magistrate that the petitioners have unauthorisedly constructed cabins on the public road and the Magistrate was right in passing the order for removal of these cabins. Learned Sessions Judge has also given sufficient reasons for dismissing the revision application. It appears that learned Sessions Judge was satisfied that the unauthorised construction has really caused public nuisance and therefore Sub Divl. Magistrate was correct in passing order of removal of cabins from public road. I do not find any ground to interfere with the order passed by learned Sessions Judge, Amreli. Accordingly the present petition is dismissed. Rule is discharged. Interim relief if any granted earlier shall stand vacated. In the facts & circumstances of the case, I make no order as to costs.

Dt: 4-4-2000

( P.K. Sarkar, J )

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